

# **DRAFT**

## **Cal/EPA Environmental Justice Action Plan Cumulative Impacts Guidance Development Update Draft Work Plan April 16, 2007**

**I. Lead Cal/EPA, Board, Department or Office (BDO):** Office of Environmental Health Hazard Assessment (OEHHA)

**II. Background:** Pursuant to Cal/EPA's EJ Action Plan, OEHHA will develop:

- Criteria and protocols for identifying and addressing environmental justice gaps in standard risk assessment; and
- Guidance on multi-media cumulative impacts analysis, prevention and reduction; and
- Implementation options, including proposals for policy, regulatory, and statutory changes.

This document addresses the development of Cumulative Impact Guidelines and related recommendations. In an effort to fulfill this commitment, OEHHA is preparing a work plan to develop guidance on the assessment of cumulative impacts, focusing on analytical methods to aid in the prevention and reduction of cumulative impacts, and to make recommendations for how cumulative impacts analysis may be implemented in environmental decision-making.

Work conducted thus far includes the following:

- Developed a working definition of "cumulative impacts".
- Prepared an inventory of existing science-based tools, methodologies, and protocols potentially useful for the evaluation of cumulative impacts.
- Identified sources of existing data that may assist in the consideration of cumulative impacts and population vulnerability on a geographic basis.
- Made presentations on cumulative impacts to the Cal/EPA EJ Advisory Committee (CEJAC) at previous meetings in which the following was discussed:
  - Existing programs with implications for cumulative impacts analysis
  - Data sources and criteria for their evaluation
  - Socioeconomic data
  - Types and extent of data gaps

**III. Scope of Work:** The next phase of work focuses on developing guidance on the assessment of cumulative impacts, and with it, recommendations for its implementation. The magnitude of the project's scope requires simultaneous work in several areas, and OEHHA is in the process

of developing a work plan to bring these elements together. The OEHHA cumulative impacts work plan will feature the following objectives:

- Establishing and convening a Cumulative Impacts (CI) Work Group.
- Identifying specific regulatory activities (e.g., permitting) in government that present the best opportunities for a fuller consideration of cumulative impacts in environmental decision-making.
- Developing better analytical tools for assessing cumulative impacts and population vulnerability.
- Assembling exploratory data sets for use in exploring how assessments may be conducted.
- Developing guidance for cumulative impacts analysis.

In doing this work, OEHHA will take into account cumulative impacts information learned from the pilot projects that are currently being conducted by other BDOs pursuant to the Cal/EPA Environmental Justice Action Plan.

#### **IV. Tasks Identified:**

##### **Task 1. Cumulative Impacts (CI) Work Group.**

OEHHA will recruit and form a CI Work Group of stakeholders with representatives from academia, regulatory agencies, environmental organizations, community groups and industry and agriculture – with some members from CEJAC to advise its efforts in carrying out the workplan and meeting its objectives. The CI Work Group will support the project by supplying technical expertise, making suggestions, and providing feedback. This CI Work Group will provide a forum for the development of ideas/recommendations for cumulative impacts analysis in environmental protection. Advice and suggestions from the CI Work Group will be considered and analyzed within the parameters of this project's approved working definition of "cumulative impacts".

Four public CI Work Group meetings at suitable locations in California will be conducted over the 2007/2008 fiscal year. CI Work Group members will be reimbursed for travel expenses, but will not otherwise be compensated for participation in the group's activities.

##### Expected Outcomes:

- Recruit and develop a CI Work Group of stakeholders with representatives from academia, regulatory agencies, environmental organizations, community groups, industry, and agriculture – with some members from CEJAC.

- Four public CI Work Group meetings during the 2007/2008 fiscal year at different locations in California.
- Facilitate all preparations and make a written record of CI Work Group meetings. The CI Work Group will meet in at least four public meetings throughout the entire project.

**Task 2. Opportunity Assessment**

An important task of the project is to identify the most suitable avenues for incorporation of cumulative impacts analysis into decision-making. The types of environmental decision-making with implications for communities traditionally fall into categories such as permitting, land use, enforcement and the setting of standards. Further, different environmental laws govern local and state government roles in decision-making. Opportunities that should take the highest priority for development include those likely to have the greatest beneficial effect, or that can be implemented most readily. Jurisdictional issues (which level of government is involved) may also influence these opportunities. The product of this activity will be an inventory describing specific decision-making processes, discussing relevant laws/statutes, and existing regulations. Interim work products will be shared with the CI Work Group.

**Expected Outcome:**

- Identification of specific regulatory activities (e.g., permitting) in government that present the best opportunities for a fuller consideration of cumulative impacts in environmental decision-making.

**Task 3. Analytical Tool Development**

Another task of this project is to develop useful analytical tools that allow a characterization of both the magnitude of impact from environmental pollutants in a geographic area, as well as community attributes that may affect vulnerability to those pollutants taking into account socio-economic factors. Such tools may define conditions or criteria that suggest a given geographic area may be overburdened by a combination of threats from pollutants and vulnerability. Mapping tools, such as those based on a geographic information system tools, or qualitative indicators of overall pollution burden are examples of the types of tools that may be potentially useful in characterizing cumulative impacts.

The types of tools that are developed should be matched to the kinds of decisions for which they are used and should lend themselves to incorporation in regulatory decision-making. Interim work products will be shared with the CI Work Group.

Expected Outcome:

- Development of better analytical tools for assessing cumulative impacts and population vulnerability.

**Task 4. Exploratory Data Set Development**

Another project task is the development of data sets that can be used in specific case studies to explore cumulative impacts analysis. These data sets should be representative of community level environmental justice problems and may include urban, agricultural, rural, and/or border communities. Such data sets should identify a specific geographic area or community and provide information on pollutants from multiple sources and socio-economic factors that have the potential to impact that community. There will be a strong focus on the use of existing public data. Interim work products will be shared with the CI Work Group.

Expected Outcome:

- Assemblage of exploratory data sets for use in exploring how CI assessments may be conducted.

**Task 5. Cumulative Impacts Guidance Document and Recommendations regarding Implementation Options**

The aim of this project is to develop guidance for how cumulative impacts assessments should be conducted. The overall approach is to develop a framework for analysis of cumulative impacts from pollutant sources on a geographic basis which can serve as a starting point for development of more technically detailed guidelines. The focus of the guidance will be determined in consideration of input from the CI Work Group and the public.

OEHHA will conduct at least one public forum on the draft framework document to provide opportunity for public comment and also to develop by outline the composition of future guideline development, based on the findings of the framework document development.

Expected Outcome:

- Development of guidance document for cumulative impacts analysis.
- Development of related recommendations regarding implementation options.

**V. Preliminary Task Timeline:** Following is a preliminary draft timeline for this work plan.

Months 1-5:

- Form CI Work Group.
- Continue work related to Opportunities, Analytical Tools, and Exploratory Data Sets.

- Convene first CI Work Group meeting, including presentation of OEHHA's work CI Work Group.

Months 6-10:

- Initiate development of framework document, in consideration of CI Work Group deliberations.
- Convene two CI Work Group meetings.
- Revise and edit draft framework document to prepare for internal peer review.
- Coordinate internal (Cal/EPA and BDO) peer review.

Months 11-15:

- Convene CI Work Group meeting.
- Conduct public forum and/or workshop with publicly released draft framework.
- Revise and prepare draft-final framework in consideration of public comments.
- Submit draft-final framework document to Secretary for Environmental Protection for action.

**VI. Suggested Questions for the CEJAC to consider:**

- Which decisions should the guidance address?
- Does the type of decision for which cumulative impacts analysis is applied shape the nature of the guidance that should be developed? If yes, how?
- Does the CEJAC have specific suggestions for a way to measure cumulative impacts?
- With limited resources for data gathering available, are there specific communities or types of communities that should be considered here?